

County Attorney
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DEC 15 2011

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3 **Staff Summary**

4 This ordinance creates Division 4, Sections 2-90 through 2-90.6 of Chapter 2, Article IV
5 ("Boards, Commissions, Authorities, Etc.") of the Lake County Code, and establishes the Lake
6 County Enterprise Zone Development Agency. Sections 290.0055 and 290.0056 of the Florida
7 Statutes require Lake County to create an Enterprise Zone Development Agency in order for the
8 area nominated as an Enterprise Zone by Lake County to receive its designation by the State of
9 Florida. Pursuant to Section 290.0056 of the Florida Statutes, the ordinance provides for an
10 Agency of eleven (11) members, who represent local organizations and interests ranging from
11 the Chamber of Commerce to law enforcement. The ordinance also provides for membership
12 qualifications, terms of office, and Agency duties.

13
14 **ORDINANCE NO. 2011- 58**

15
16 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE**
17 **COUNTY, FLORIDA; CREATING DIVISION 4, SECTIONS 2-90 THROUGH 2-90.6 OF**
18 **CHAPTER 2, ARTICLE IV OF THE LAKE COUNTY CODE, TO BE ENTITLED**
19 **"LAKE COUNTY ENTERPRISE ZONE DEVELOPMENT AGENCY"; PROVIDING**
20 **FOR A TITLE AND PURPOSE; PROVIDING FOR DUTIES; PROVIDING FOR**
21 **MEMBERSHIP AND TERM; PROVIDING FOR EXPENSES AND SUCCESSION;**
22 **PROVIDING FOR QUORUM; PROVIDING FOR PROCEDURES; PROVIDING FOR A**
23 **REPORT TO THE STATE OFFICE OF TOURISM, TRADE AND ECONOMIC**
24 **DEVELOPMENT; PROVIDING FOR DISSOLUTION; PROVIDING FOR**
25 **SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR**
26 **FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN**
27 **EFFECTIVE DATE.**

28
29 **WHEREAS,** the State of Florida enacted the Florida Enterprise Zone Act, Sections
30 290.001 – 290.016, Florida Statutes, to incentivize and induce private investment in distressed
31 areas, in order to restore the economic productivity of such areas and create economic
32 opportunities; and

33
34 **WHEREAS,** by enacting Section 290.00728, Florida Statutes, the Florida Legislature has
35 authorized Lake County to apply to the State Office of Tourism, Trade and Economic
36 Development for designation of an enterprise zone of up to ten square miles within Lake County;
37 and

38
39 **WHEREAS,** the areas legally described in **Exhibit "A"** and graphically depicted in
40 **Exhibit "B"** (collectively, the "Nominated Area"), comprising almost ten square miles in the
41 cities of Eustis, Leesburg and Mascotte, are those proposed for designation as the Lake County
42 Enterprise Zone upon approval by resolution of Lake County and the cities of Eustis, Leesburg
43 and Mascotte; and
44

1 **WHEREAS**, Sections 290.0055 and 290.0056, Florida Statutes, require Lake County to
2 create an Enterprise Zone Development Agency as a condition precedent to receiving
3 designation of the Nominated Area as the Lake County Enterprise Zone ("Enterprise Zone"); and
4

5 **WHEREAS**, the Lake County Enterprise Zone Development Agency (the "Agency")
6 shall be a public body appointed by the Lake County Board of County Commissioners, and shall
7 assist in the implementation of the Strategic Plan to be drafted for the Enterprise Zone, among
8 other duties; and
9

10 **WHEREAS**, the Agency shall encourage the principles of economic opportunity and job
11 creation, sustainable community development and community-based partnerships; and
12

13 **WHEREAS**, the Lake County Board of County Commissioners now finds it is in the
14 best interests of the citizens of Lake County to create the Agency;
15

16 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of
17 Lake County, Florida, that Division 4, Sections 2-90 through 2-90.6 of Chapter 2, Article IV of
18 the Lake County Code is hereby established as follows:
19

20 **Section 1. Recitals.** The foregoing recitals are true and correct and incorporated
21 herein by reference.
22

23 **Section 2. Creation.** Chapter 2, Article IV, Division 4, Sections 2-90 through 2-
24 90.6, Lake County Code, to be entitled "Lake County Enterprise Zone Development Agency",
25 shall be created to read as follows:
26

27
28 **Sec. 2-90. Title and Purpose.**
29

30 (a) The "Lake County Enterprise Zone Development Agency" is hereby
31 established and hereinafter referred as the "Agency."
32

33 (b) The Agency is created in order to exercise the powers conferred by the
34 Florida Enterprise Zone Act, Sections 290.001-290.016, Florida Statutes.
35

36
37 **Sec. 2-90.1. Duties.**
38

39 (a) The Agency shall have the following powers and responsibilities:
40

41 (1) To assist in the development, implementation, and annual review
42 and update of the strategic plan or measurable goals.
43

44 (2) To oversee and monitor the implementation of the strategic plan or
45 measurable goals. The Agency shall make quarterly reports to the
46 Lake County Board of County Commissioners and the City

1 Councils of Eustis, Leesburg and Mascotte, evaluating the progress
2 in implementing the strategic plan or measurable goals.

3
4 (3) To identify and recommend ways to remove regulatory barriers to
5 the Lake County Board of County Commissioners and the City
6 Councils of Eustis, Leesburg and Mascotte.

7
8 (4) To identify the financial needs of, and local resources or assistance
9 available to, eligible businesses in the Lake County Enterprise
10 Zone.

11
12 (5) To assist in promoting enterprise zone incentives to residents and
13 businesses within the Lake County Enterprise Zone.

14
15 (6) To recommend boundary changes, as appropriate, in the Lake
16 County Enterprise Zone to the Lake County Board of County
17 Commissioners and the City Councils of Eustis, Leesburg and
18 Mascotte.

19
20 (7) To work with organizations affiliated with Florida Agricultural and
21 Mechanical University, the University of Florida, and the
22 University of South Florida, a group of universities unofficially
23 named the "University Partnership for Community Development",
24 or similar organizations that have combined their resources to
25 provide development consulting on a nonprofit basis.

26
27 (8) To work with Enterprise Florida, Inc. and the State Office of
28 Tourism, Trade and Economic Development.

29
30
31 **Sec. 2-90.2. Membership and Term.**

32
33 (a) The Lake County Board of County Commissioners shall appoint a Board
34 of Commissioners of the Agency. The Agency shall consist of eleven (11)
35 commissioners. The Lake County Board of County Commissioners may
36 appoint at least one representative from each of the following:

37
38 (1) Local chambers of commerce.

39
40 (2) Local financial or insurance entities.

41
42 (3) Local businesses and, where possible, businesses operating within
43 the Nominated Area.

44
45 (4) Residents residing within the Nominated Area.
46

1 (5) Nonprofit community-based organizations operating within the
2 Nominated Area.

3
4 (6) The regional workforce board.

5
6 (7) Local code enforcement agencies.

7
8 (8) A local law enforcement agency.

9
10 (b) The term of office of the Agency commissioners shall be for four (4)
11 years, except that, in making the initial appointments, the Lake County
12 Board of County Commissioners shall appoint two members for a term of
13 one year, three members for terms of two years, three members for terms
14 of three years, and three members for terms of four years. A vacancy
15 occurring during a term shall be filled for the unexpired term.

16
17 (c) The importance of including individuals from the Nominated Area shall be
18 considered in making appointments. Further, the importance of minority
19 representation on the Agency shall be considered in making appointments
20 so that the Agency generally reflects the gender and ethnic composition of
21 the community as a whole.

22
23 (d) A current commissioner of the Lake County Board of County
24 Commissioners shall serve as liaison to the Agency in a non-voting
25 position and shall not be considered a member of the Agency.

26
27 (e) The Lake County Board of County Commissioners may remove an
28 Agency commissioner for inefficiency, neglect of duty, or misconduct in
29 office only after a hearing, and only if the Agency commissioner has been
30 given a copy of the charges at least ten (10) days prior to the hearing and
31 has had an opportunity to be heard in person or by counsel.

32
33
34 **Sec. 2-90.3. Expenses and Succession.** An Agency commissioner shall receive no
35 compensation for his or her services. Each Agency commissioner shall
36 hold office until a successor has been appointed and has qualified.

37
38
39 **Sec. 2-90.4. Quorum.** The powers of the Agency shall be exercised by the Agency
40 commissioners. A majority of the Agency commissioners currently seated
41 constitutes a quorum for the purpose of conducting business and
42 exercising the powers of the Agency and for all other purposes. Action
43 may be taken by the Agency upon a vote of a majority of the Agency
44 commissioners present at a meeting.

1 **Sec. 2-90.5. Procedures.**

- 2
- 3 (a) All meetings are public meetings and shall be held in a public place and
- 4 shall be open to the public. All meetings shall be noticed and minutes
- 5 recorded in accordance with Florida's Sunshine Law.
- 6
- 7 (b) On an annual basis, the Lake County Board of County Commissioners
- 8 shall designate a chair and vice chair from among the Agency
- 9 commissioners.
- 10
- 11 (c) The Lake County Board of County Commissioners or the City Councils of
- 12 Eustis, Leesburg or Mascotte may appropriate to the Agency such
- 13 amounts as the Lake County Board of County Commissioners deems
- 14 necessary.
- 15

16

17 **Sec. 2-90.6. Report to the State Office of Tourism, Trade and Economic**

18 **Development.**

19

- 20 (a) Before December 1 of each year, the Agency shall submit to the State
- 21 Office of Tourism, Trade and Economic Development a complete and
- 22 detailed written report setting forth:
- 23
- 24 (1) Its operations and accomplishments during the fiscal year.
- 25
- 26 (2) The accomplishments and progress concerning the implementation
- 27 of the strategic plan or measurable goals, and any updates to the
- 28 strategic plan or measurable goals.
- 29
- 30 (3) The number and type of businesses assisted by the Agency during
- 31 the fiscal year.
- 32
- 33 (4) The number of jobs created within the Lake County Enterprise
- 34 Zone during the fiscal year.
- 35
- 36 (5) The usage and revenue impact of State and local incentives granted
- 37 during the calendar year.
- 38
- 39 (6) Any other information required by the State Office of Tourism,
- 40 Trade and Economic Development.
- 41
- 42

43 **Section 3. Dissolution.** In the event that the Nominated Area is not designated an

44 Enterprise Zone by the State Office of Tourism, Trade and Economic Development, the Agency

45 created herein may be dissolved by the Lake County Board of County Commissioners in

46 accordance with the law.

Section 4. Severability. If any section, sentence, clause, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance.

Section 5. Inclusion in the Code. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. Filing with the Department of State. The Clerk shall be and is hereby directed forthwith to send a certified copy of this Ordinance to the Secretary of State for the State of Florida.

Section 7. Effective. This Ordinance shall become effective as provided for by law.

Enacted this 15th day of November, 2011.

Filed with the Secretary of State November 29, 2011.

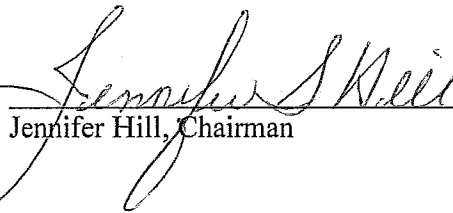
Effective November 29, 2011.

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

ATTEST:



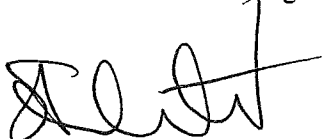
Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida



Jennifer Hill, Chairman

This 28 day of November, 2011.

Approved as to form and legality:



Sanford A. Minkoff
County Attorney

Exhibit "A1"

Enterprise Zone Legal Description - Eustis

Begin in Section 1, Township 19, Range 26 at the intersection of Bates Ave and Cardinal Drive, run south and west along Cardinal Drive to the intersection of McDonald Ave in Section 12, Township 19, Range 26, run west on McDonald Ave to the intersection of Glover Street, run south along Glover Street to the intersection of SR 44, run west along SR 44 to the intersection of Haselton Street, run south along Haselton Street to the intersection of Lakeview Ave, run west along Lakeview Ave to the intersection of the second Hillcrest Court in Section 14, Township 19, Range 26, follow Hillcrest Court north to the intersection of Lake Gracie Drive, run north and west along Lake Gracie Drive to the intersection of Key Avenue in Section 11, Township 19, Range 26, run west along Key Avenue to Mary Street, run north along Mary Street to the intersection of E. Hazzard Ave in Section 11, Township 19, Range 26, run east to the intersection of Prescott Street, run north along Prescott Street to the intersection of Bates Ave, run East along Bates Ave to the intersection of Cardinal Drive (POB), less all lakes and wetlands.

1 **Exhibit "A2"**

2
3 **Enterprise Zone Legal Description – Leesburg**

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5
6
7 Begin at the northwest corner of Urick Street (1-5407) and CR 468 in Section 9, Township 19,
8 Range 24, run east along Urick Street to Thomas Ave (1-5108), run Southerly along Thomas
9 Ave to the intersection of Tally Road (1-5109) in Section 15, Township 19, Range 24, run east
10 along Tally Road to Timber Road, run South along Timber Road to the intersection of the
11 Seaboard Coast Line Railroad in Section 22, Township 19, Range 24, run westerly along the
12 Seaboard Coast Line Railroad to Thomas Avenue in Section 22, Township 19, Range 24, run
13 south along Thomas Ave to SR 44, run west along SR 44 to CR 468 in Section 28, Township 19,
14 Range 24, run north along CR 468 to POB, less all lakes and wetlands,

15
16 And

17
18 Begin at the intersection of Thomas Ave (1-5108) and West Main Street in section 27, Township
19 19, Range 24, run east along Main Street to US Highway 27, run south along US Highway 27 to
20 the intersection of US Highway 27 and CR 25A in section 2, Township 20, Range 24, run
21 northerly along the Abandoned Seaboard Coastline Railroad until it intersects with SR 44, run
22 west along SR 44 until it intersects with Lone Oak Drive, run north along Lone Oak Drive to
23 West Main Street, run West to POB, less all lakes and wetlands.

24
25
26 LESS and EXCEPT property within the municipal limits of the City of Fruitland Park as of
27 October 13, 2011.
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Begin at the intersection of SR 50 and Lee Road (2/3-1604) in Section 17, Township 22, Range 24, run easterly and southeasterly along SR 50 to the intersection of SR 50 and Main Avenue in Section 24, Township 22, Range 24, run southwesterly along Main Avenue to Anderson Road (2/3-1317) in Section 25, Township 22, Range 24, run west along Anderson Road to Empire Church Road (2/3-1213), run southerly and westerly along Empire Church Road to the intersection of Mascotte Empire Road (2/3-1310) in Section 34, Township 22, Range 24, run northerly along Mascotte Empire Road to Carter Jones Road (2/3-1309) Section 22, Township 22, Range 24, run westerly and southerly along Carter Jones Road to Bay Lake Road (2/3-0604) Section 21, Township 22, Range 24, run northeasterly along Bay Lake Road to Sloans Ridge Road (2/3-1503), run westerly and northerly along Sloans Ridge Road to the intersection of Lee Road, run northeasterly along Lee Road to POB, less all lakes and wetlands.

LESS and EXCEPT property within the municipal limits of the City of Groveland as of October 13, 2011.

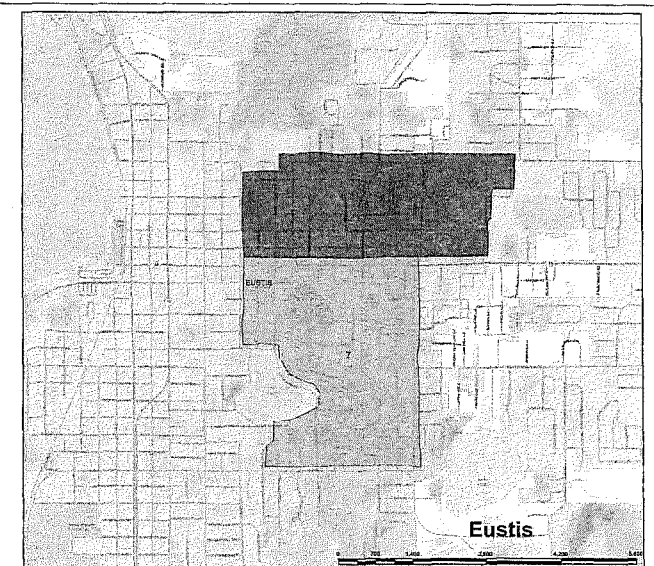
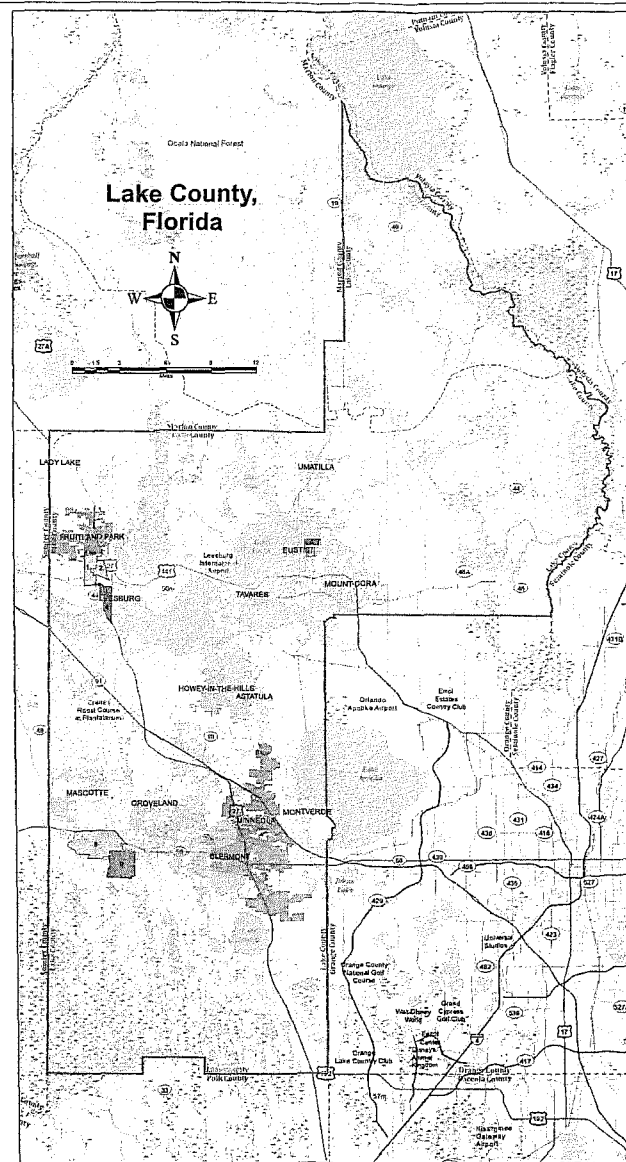
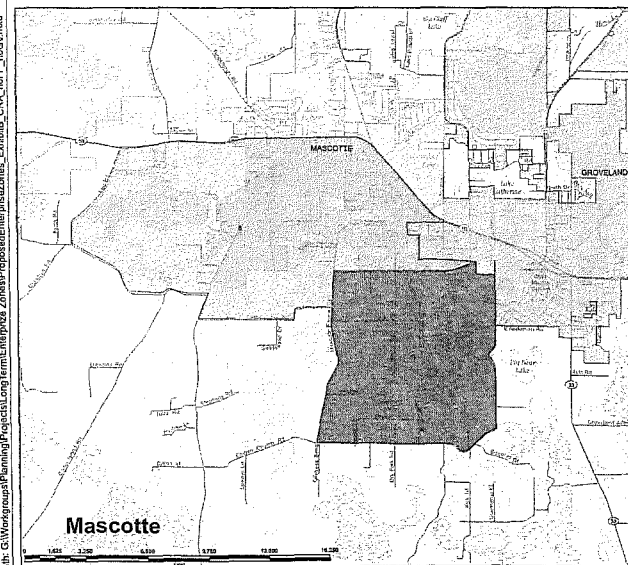
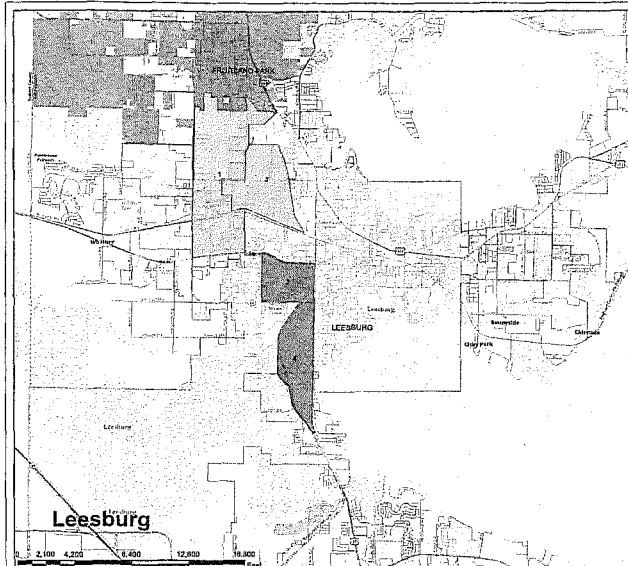
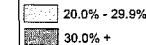


EXHIBIT "B" Enterprise Zone Candidates

Families Below Poverty



MapID	Families Below Poverty	Unemployment Rate	Square Miles *
1 **	25.50%	0.13177461541	1.47
1a	0%	0.00000000000	0.00
2	27.80%	0.13177461541	0.77
3	39.20%	0.05869275233	0.40
4	35.30%	0.05869275233	0.36
6	43.20%	0.10761640456	0.34
7	27.50%	0.08399787947	0.40
8 **	28.26%	0.08098451338	3.30
9 **	47.40%	0.1192579459	2.10

*Portions of these census geographic block groups within the municipal limits of the City of Fruitland Park, and the City of Groveland as of October 15, 2011 have been excluded.

Total Square Miles: 9.15
* Square miles does not include Lakes or Wetlands

Municipality

- | | | |
|----------------|--------------------|------------|
| ASTATULA | HOWEY-IN-THE-HILLS | MONTVERDE |
| CLERMONT | LADY LAKE | MOUNT DORA |
| EUSTIS | LEESBURG | TAVARES |
| FRUITLAND PARK | MASCOTTE | UMATILLA |
| GROVELAND | MINNEOLA | |

Source: USCB American Community Survey 2005-2009 estimates - Table B17010, Poverty Status in the past 12 months of Families by Family Type; Table B23001, Sex by Age by Employment Status.

US Dept. of Interior, Fish and Wildlife Service - Classification of Wetlands and Deepwater habitats of the United States, 2006.

US Geological Survey, US EPA, USDA Forest Service, et al - National Hydrography Dataset (NHD)

Basemap features supplied by: USGS, FAO, NPS, EPA, ESRI, DeLorme, TANA, other suppliers

